

**The University of North Texas System
Board of Regents Rules**

Chapter 03 – Board Governance

03.800 Specific Board Powers, Duties, and Authority

03.801 Powers and Duties of the Board. The Board may exercise all of the powers and duties set out in Chapter 105 of the Texas Education Code including, but not limited to, those powers and duties associated with the Institutions. Pursuant to Texas Education Code § 105.101:

1. the Board may direct, govern, operate, support, maintain, manage, and control the System and the Institutions; and
2. the Board may:
 - a. erect, equip, maintain, and repair System buildings;
 - b. purchase libraries, furniture, equipment, fuel, and supplies necessary to operate the System;
 - c. employ and discharge personnel, including faculty, to carry out the Board's powers and duties;
 - d. adopt rules and policies for the administration of the Board's powers and duties;
 - e. prescribe for each Institution programs and courses leading to customary degrees, including baccalaureate, masters, and doctoral degrees and their equivalents in accordance with the rules of the Texas Higher Education Coordinating Board;
 - f. establish admission standards for each of the Institutions;
 - g. perform other acts that contribute to the development of the System or the Institutions or the welfare of students of the Institutions; and

- h. delegate a power or assign a duty of the Board to an officer, employee, or committee designated by the Board.

03.802 Appointment Authority.

1. Chancellor. In accordance with Texas Education Code § 105.102(a), the Board shall appoint a Chancellor who serves as chief executive officer of the System.
2. Institution Presidents. In accordance with Texas Education Code § 105.102(b), the Board shall appoint a President of each Institution who serves as chief executive officer of the Institution.
3. Vice Chancellor and General Counsel. The Board, on recommendation by the Chancellor, shall appoint a Vice Chancellor and General Counsel who is responsible to the Board and who shall report to the Chancellor.
4. Chief Internal Auditor. The Board, on recommendation by the Chancellor, shall appoint a Chief Internal Auditor who shall report directly to the Board and who shall have the qualifications required by Texas Government Code § 2102.006 and carry out the duties prescribed by Texas Government Code § 2102.007.
5. Award of Faculty Tenure. Only the Board may confer faculty tenure. The President of each Institution shall forward to the Board through the Chancellor all recommendations for the granting of tenure.

03.803 Delegation of Appointment Authority. Pursuant to Texas Education Code §§ 105.101(b)(3) and (8), the Board makes the following delegations of authority:

1. Chancellor. Unless otherwise specified in these Regents Rules, the Board delegates to the Chancellor authority to appoint, evaluate, promote, transfer, and terminate System Administration employees in accordance with System Administration policies.

2. Presidents. Unless otherwise specified in these Regents Rules, the Board delegates to the Presidents the authority to appoint, evaluate, promote, transfer, and terminate the Institution's employees in accordance with Institution policies.

03.804 Eminent Domain. In accordance with Texas Education Code § 105.103, the Board may exercise the power of eminent domain to acquire land for the use of the System. The Board must exercise the power of eminent domain in the manner provided by Chapter 21 of the Texas Property Code, but is not required to provide a bond for appeal or a bond for costs. The Board may not use the power of eminent domain to acquire land that is dedicated to a public use by another governmental entity.

03.805 Gifts, Grants, and Endowments. In accordance with Texas Education Code § 105.104, the Board may accept donations, gifts, grants, and endowments of money or property, real or personal, for the System to be held in trust and administered by the Board for the purposes and under the direction, limitations, and provisions declared in writing in the donation, gift, grant, or endowment. The donation, gift, grant, or endowment must be consistent with state law and with the objectives and proper management of the System.

03.806 Funds Received From Management of Trust Estate. In accordance with Texas Education Code § 105.105, the Board may deposit in an appropriate System account outside the state treasury all funds received as administrative fees or charges for services rendered in the management or administration of a trust estate under the control of the System. These funds may be spent by the Board for any educational purpose of the System.

03.807 Disbursement of Appropriations. In accordance with Texas Education Code § 105.106, the Board shall disburse all appropriations to the System except as otherwise provided by law. The Board may adopt rules for the disbursement of appropriations and other funds, the auditing and approval of System accounts, and the issuance of System vouchers and warrants.

03.808 Lands Owned by the System or the Institutions. In accordance with Texas Education Code § 105.107, the Board has the sole and exclusive authority to manage and control

land owned by the System or the Institutions. The Board may acquire by purchase, donation, exchange, condemnation, or otherwise land, including improvements, for the use of the System, and other real property that is necessary or convenient to carry out the purposes of the System and the Institutions. Except as otherwise provided by law, the Board may sell, exchange, lease, or dispose of any land or other real property owned by or acquired for the Board, the System, or the Institutions.

- 03.809 Contracts. In accordance with Texas Education Code § 105.108, the Board by rule may delegate to a representative of the Board or an employee of the System the authority to negotiate, execute, and approve a contract on behalf of the System. Unless this authority is delegated, a contract with the System must be approved by the Board. A contract that is not approved in accordance with these Regents Rules is void.
- 03.810 Joint Appointments. In accordance with Texas Education Code § 105.109, the Board may make joint appointments to the Institutions, with the salary of any person who receives a joint appointment to be apportioned to each Institution on the basis of services rendered.
- 03.811 Research Parks. In accordance with Texas Education Code § 105.110, the Board may authorize the establishment of a research park by one or more Institution. The administrator of the research park may use private or public entities for scientific and technological research and development in the surrounding region.

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**The University of North Texas System
Board of Regents Rules**

Chapter 03 – Board Governance

03.900 Delegation of Authority for Contracts and Agreements

03.901 Purpose and Scope. The effective administration of contracts is essential to the operation of the System and the Institutions. This Regents Rule establishes authority for the System, the System Administration, and the Institutions to approve and execute contracts.

03.902 Authority of the Board. Pursuant to Texas Education Code § 105.108, the Board has authority to contract on behalf of the System, the System Administration, and the Institutions, and may delegate to an employee of the System Administration or an Institution the authority to negotiate, execute, and approve contracts. No person has the authority to bind the System, the System Administration, or an Institution contractually except in accordance with this Regents Rule. A contract that is not approved in accordance with this Regents Rule is void.

03.903 Definition. For the purpose of this Regents Rule, the term “contract” shall mean any written agreement that creates a binding obligation, financial or otherwise, for the System, the System Administration, or an Institution. Contracts include but are not limited to affiliation agreements, cooperative agreements, easements, grants, intellectual property agreements, interagency contracts, internship agreements, leases, letter agreements, letters of intent, licenses, loans, memoranda of understanding, nondisclosure agreements, professional services agreements, purchase orders, and amendments to any of these types of agreements.

03.904 Board Approval. Board approval is required for the following types of contracts:

1. Contracts that have a cost or monetary value to the System, the System Administration, or an Institution of \$1,000,000 or more in cash or other consideration. The total value of a contract shall include the aggregation of all contract extensions and renewals. Regardless of value, approval by the Board is not required for contracts exempted from the approval process under Section 03.905, 03.906, 03.907, or 03.908 of this Regents Rule.
2. Employment contracts having a total salary consideration of \$1,000,000 or more. Regardless of value, approval by the Board is not required for contracts exempted from the approval process

under Section 03.908 of this Regents Rule. For employment contracts with administrators that require Board approval under this section that are to be paid in whole or part from appropriated funds, Board approval shall be contingent on a determination by the Board that the contract is in the best interest of the System, System Administration or an Institution and the contract shall be required to meet all other requirements of Texas Education Code §51.948.

3. Agreements with affiliated entities required by Regents Rule 09.500.
4. Contracts that involve athletic conference membership.

03.905 Exceptions to Board Approval. The following types of contracts shall not require approval by the Board, regardless of the contract amount:

1. Contracts relating to construction projects previously approved by the Board of Regents in a Capital Improvement Plan.
2. Contracts for utility services (water, gas, electric, telecommunications, internet or television services) or energy resources and related services, if any, when such contracts have been approved in advance by the Chancellor or the Chancellor's delegee.
3. Contracts or grant proposals for sponsored research, including institutional support grants.
4. Contracts licensing or transferring rights in intellectual property, technology or products protectable by patents, copyright, or constituting a trade secret of unpatented technological know-how.
5. Contracts for the lease or purchase of replacement equipment or licensing of replacement software or services associated with the installation of the equipment or implementation of the software.
6. Contracts for the purchase of routinely purchased supplies.
7. Contracts for purchases made under a group purchasing program procured through a state contract, state catalog or other procurement methodology authorized by statute.
8. Contracts for the lease or purchase of new equipment or licensing of new software identified specifically in the System Administration or Institutional budget approved by the Board.

9. Contracts for the purchase or license of library books and library materials.
 10. Contracts for athletic competitions.
 11. Contracts for or related to legal services.
 12. Contracts related to bequests or gifts.
 13. Contracts with financial institutions to effectuate letters of credit authorized by these Regents Rules and applicable regulations of the System.
 14. For contracts that have been approved by the Board, any amendment, extension, or renewal of a contract with a cost or monetary value that does not exceed 25% of the cost or monetary value of the original contract approved by the Board, unless a maximum cap is expressly adopted by the Board for that contract.
- 03.906 Contracts Related to Real Property. All contracts for (a) the purchase or sale of real property; (b) the lease, license or use of real property; (c) the granting or acceptance of easements or rights-of-way; and (d) any other acquisition or disposition of real property or real property interests is governed by Chapter 11 of these Rules.
- 03.907 Contracts Related to Major Construction Projects. All contracts related to major construction projects are governed by Chapter 11 of these Rules.
- 03.908 Emergency Contracts. Unless otherwise prohibited by law, in the event of an urgent situation that cannot or should not for good business reason be delayed until the next regularly scheduled Board meeting as determined by the Board Chairman in consultation with the Chancellor, the Chancellor may approve and execute a contract that would otherwise require Board approval in accordance with this Regents Rule. As soon thereafter as is reasonably practicable, the Chancellor shall provide to the members of the Board written notice of the approval and execution of the contract.
- 03.909 Delegation of Authority.
1. Delegations to the Chancellor.
 - a. The Board delegates to the Chancellor the authority to execute all contracts for the System, the System Administration, and Institutions that are approved by the Board in accordance with Regents Rule 03.904, unless otherwise specified by the Board.

- b. For employment contracts not requiring Board approval pursuant to Regents Rule 03.904.2, the Board delegates to the Chancellor the authority to sign an employment contract with an administrator for the System Administration or an Institution that is to be paid in whole or part from appropriated funds or that otherwise comes under Texas Education Code §51.948. These contracts must comply with the requirements of Texas Education Code §51.948 and for any contract paid from appropriated funds shall require a determination that the contract is in the best interest of the System or System Administration. Authority to make such a determination is delegated to the Chancellor.
- c. Subject to the requirements and limitations of this Rule, the Board delegates to the Chancellor the authority to approve and execute contracts for the System, the System Administration and the Institutions without regard to the cost or monetary value of the contract.

2. Delegations to the Presidents.

- a. Subject to the requirements and limitations of this Rule, the Board delegates to the Presidents the authority to approve and execute contracts for their respective Institutions that have a cost or monetary value to the Institutions of \$1,000,000 or less.
- b. For employment contracts not requiring Board approval pursuant to Regents Rule 03.904.2, an employment contract with an administrator that is to be paid in whole or part from appropriated funds or that otherwise is pursuant to Texas Education Code §51.948 must be signed by the Chancellor in accordance with Regents Rule 03.909.1(b).

3. Delegations to the Vice Chancellor and General Counsel. The Board delegates to the Vice Chancellor and General Counsel authority to approve and execute contracts with the concurrence of the Chancellor or the Chairman for or related to providing legal services for the Board, the System, the System Administration, and/or the Institutions, after obtaining approvals required by state law.

4. Delegations to the Chief Internal Auditor. The Board delegates to the Chief Internal Auditor authority to approve and execute contracts having a cost or monetary value of less than \$1,000,000

with the concurrence of the Chancellor or the Chairman of the Audit Committee, when such contracts are for or related to providing audit services for the Board, the System, the System Administration, and/or the Institutions after obtaining approvals required by state law.

5. Further Delegation. The authority delegated to the Chancellor and the Presidents under Regents Rules 03.909(1) and (2) may be further delegated. Delegations must be in writing, clearly state the extent of the authority delegated, and state if and to what extent the authority may be further delegated. A delegation must be retained by the delegee, and a copy must be provided to the Office of General Counsel.
6. Revocation of Delegation. Delegations of authority may be revoked at any time. Revocations must be in writing, and a copy must be provided to the Office of General Counsel. Notice of revocation must be provided to the delegee.

03.910 Legal Review. All contracts must be approved as to form by the Office of General Counsel before execution, unless exempt under this Regents Rule. In his or her sole discretion, the Vice Chancellor and General Counsel may exempt from individualized legal review:

1. Contracts prepared on forms developed by the Office of General Counsel and approved in writing by the Office of General Counsel for use without individualized legal review that have a total value of less than \$1,000,000;
2. Contracts prepared on forms not developed by the Office of General Counsel, but that are approved in writing by the Office of General Counsel for use without individualized legal review that have a total value of less than \$1,000,000; and
3. Other contracts as stated in the Criteria for Exemption issued in writing by the Office of General Counsel.

03.911 Contract Management Handbook. The Vice Chancellor for Finance and the Office of General Counsel shall develop a contract management handbook that provides for consistent contracting policies and practices and contract review procedures, including the following:

1. identification of contracts that require enhanced performance monitoring and notification to the Board of any identified serious issue or risk regarding a monitored contract;

2. purchasing accountability and risk analysis procedures assessing the risk of fraud, waste or abuse in the contactor selection process, contract provisions and payment and reimbursement rates and methods for the different types of goods and services for which the member contracts;
3. a comprehensive guideline for preparing and advertising a solicitation, including identifying key pieces in the statement of work;
4. guidance on the evaluation of solicitation responses and awarding and drafting the contract. This includes sample terms and clauses for the contract;
5. contract administration and oversight; and
6. a requirement that all contracts shall, at a minimum:
 - a. be in writing;
 - b. comply with applicable federal and state law and regulations, these Regents Rules, and applicable System, System Administration, or Institution regulations, policies and procedures and the System contract management handbook;
 - c. be properly executed by a person with appropriate authority;
 - d. adequately protect resources;
 - e. comply with state purchasing requirements;
 - f. support and be in accordance with the mission of the System, the System Administration, or Institution; and
 - g. if with a foreign source with an aggregate value of \$250,000 or more be reported to the U.S. Department of Education in accordance with 20 U.S.C. §1011f on or before January 31st and July 31st of each year for all such contracts entered into in the preceding six months.

03.912 Training. Officers and employees authorized to execute contracts or who exercise discretion in awarding contracts shall participate in training on ethics, selection of appropriate procurement methods, and information resources purchasing technologies.

03.913 Reporting. The System and Institutions shall comply with all applicable reporting requirements established by statute, Legislative Budget Board rules, and other state authorities.

03.914 Prior Contracts. Contracts approved and signed in accordance with policies in effect prior to the effective date of Regents Rule 03.900 shall remain in full force and effect, but modifications or extensions to such contracts must be approved and signed in accordance with Regents Rule 03.900.

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**The University of North Texas System
Board of Regents Rules**

Chapter 04 – Administration

04.100 Chancellor

04.101 Role. The Chancellor is the chief executive officer of the System and has direct responsibility for all aspects of the System's operations. The Chancellor reports to and is responsible to the Board. The Chancellor heads the System Administration, which is used by the Board to exercise its powers and authorities in the governance of the System.

04.102 Duties and Responsibilities. The Chancellor, by delegation from the Board, is authorized to exercise the powers and authorities of the Board in the governance of the System. The Chancellor is authorized to delegate any of the assigned duties and authorities except as restricted by the Board. Specifically, the Chancellor shall:

1. advise and counsel the Board regarding the policies, purposes, and goals of the System;
2. act on behalf of the Board in implementing its policies and recommending strategies for addressing the common goals established by the Board;
3. direct the management of the System with sound fiscal, legal, and personnel policies and a strong system of internal controls;
4. interpret and articulate the System's academic, administrative, and developmental policies, programs, needs, and concerns to the general public and to other interested parties at the regional, state, and national levels;
5. prepare a recommendation to the Board for a System strategic plan with clear, quantifiable expectations for the System, setting forth recommendations for new areas of service and a corresponding allocation of resources and capital expenditures and periodically cause to be conducted

- a review of the mission, plans, programs, and organizational structure of each Institution;
6. assess the progress and direction of programs at each Institution to obtain adequate endowments and capital contributions to achieve the goals expressed in Institutional strategic plans and assist campus leaders in their efforts to seek private funds and lead fundraising for System initiatives;
 7. recommend administrative appointments requiring Board approval and review with the Board periodically the organization of the System and the Institutions;
 8. prepare, in conjunction with the Board Chairman, an agenda for all Board and committee meetings that includes recommendations concerning all required and necessary matters to be approved by the Board and its committees and ensure the adequate posting of these meetings in cooperation with the Board officers;
 9. prepare and approve annual operating budgets and capital budgets for the System and the Institutions and submit such recommendations to the Board;
 10. prepare and approve biennial legislative submissions to the Legislative Budget Board and to the Office of the Governor for the System and the Institutions;
 11. in collaboration with each President, set performance goals and expectations for the Institutions and annually evaluate each President's performance and present that evaluation to the Board for consideration and appropriate action;
 12. represent and direct the representation of the System in all aspects of governmental and public affairs, including the legislature, Texas Higher Education Coordinating Board, and other federal, state, and local governmental entities;
 13. establish procedures for identifying program and other needs of the System and communicating those

needs to the Board, the Legislature, and other constituencies;

14. ensure that the System provides necessary financial, legal, audit, government relations, and facilities planning services to the Institutions;
15. administer programs for the construction and/or renovation of the physical plant of the System and each Institution within the limits of policy and recommend to the Board projects requiring Board approval;
16. support the work of the Chief Internal Auditor;
17. within the authority delegated by the Board, appoint, evaluate, promote, transfer, and terminate System Administration employees in accordance with System Administration policies;
18. approve and execute contracts and/or delegate responsibility to others to approve and execute contracts in accordance with Board policy;
19. promote diversity within the System and support appropriate System equity and diversity programs consistent with all applicable state and federal laws; and
20. perform such other duties as assigned by the Board.

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Revised:

**The University of North Texas System
Board of Regents' Rules**

Chapter 04 – Administration

04.300 Institution Presidents

04.301 Role. The President is the chief executive officer of the Institution and reports to the Chancellor.

04.302 Primary Duties and Responsibilities. Subject to the policies and rules of the Board and under the direction of the Chancellor, the President has general authority and responsibility for the administration of the Institution. The President is authorized to delegate any of the assigned duties and authorities except as restricted by the Board or the Chancellor. Specifically, the President of each Institution shall:

1. develop and administer plans and policies for the program, organization, and operation of the Institution and recommend to the Chancellor and the Board the appropriate goals, purposes, and role and scope for the Institution;
2. develop annual budgets for operations and capital improvements and submit such budgets to the Chancellor for recommendation and action by the Board;
3. administer the business and financial management of the Institution, including budget preparation and implementation, financial and property accounting, the review of all expenditures and bills presented for payment, proper recording and reporting of all student-derived revenues, oversight of all state and federal funds received, and the preparation of such financial reports as may be required;
4. develop procedures and standards for personnel administration, including employment, wage and salary administration, directing and evaluating the performance of administrators and staff who report directly to the President, pay plans and classification, promotion and tenure, termination, and conditions of employment in conformity with

law and the policies, practices, and procedures of the System;

5. provide for the operation and maintenance of the physical plant, the purchase of supplies and equipment, and the maintenance of appropriate inventories and records of real and personal properties under the jurisdiction of the Institution;
6. direct the planning, supervision, and execution of those construction and renovation projects that are the responsibility of the Institution under Board policy and recommend to the Chancellor projects requiring System and/or Board approval;
7. recommend to the Chancellor financing plans for major construction and renovation projects. Sources of funds may include tuition revenue bonds, HEAF allocations, gifts, and other component Institution-approved funds;
8. communicate the policies and actions of the Board and Chancellor to the students, faculty, and staff, and the needs of students, faculty, and staff to the Board and the Chancellor;
9. develop and administer policies, programs, and services relating to students. Such supervision includes, but is not limited to, recruitment of students, admissions, registration and records, academic advising, counseling, housing, scholarships and financial aid, student activities and services, placement, international students, and evaluation and certification of academic credit from other Institutions;
10. develop and administer policies and programs relating to the proper management of services to patients, where applicable;
11. cause to be prepared and submitted to the General Counsel for approval the rules and regulations for the governance of the Institution and any related amendments. Such rules and regulations shall constitute the governing policies for the Institution. As appropriate, consultation with the faculty, staff,

and student governance bodies for the Institution will be sought for all significant policy changes;

12. develop and maintain a current strategic plan with clear indications of the intended improvements of administrative, academic, and student programs, including quantifiable expectations where possible and recommendations for new areas of service and a corresponding allocation of resources and capital expenditures;
13. assume active leadership in developing private fund support for the Institution to obtain adequate endowments and capital contributions to achieve the goals expressed in strategic plans, in accordance with policies and procedures established in these Regents Rules.
14. develop and implement plans and policies to ensure that the Institution remains in compliance with any accreditation requirements appropriate to the Institution or its programs, including, for the health Institutions and those academic Institutions with student health services, the accreditation of clinics and patient-care facilities;
15. develop and recommend to the Chancellor and Board legislative budget requests;
16. establish such degree and other programs as are necessary to achieve the mission of the Institution and fulfill its professional, academic, research, and service goals and submit requests for new degree-granting programs through the Chancellor to the Board for approval and submission to the Texas Higher Education Coordinating Board;
17. encourage joint academic programs and other forms of collaboration among the Institutions to enhance quality and maximize use of academic and other resources;
18. within the authority delegated by the Board, appoint, evaluate, promote, transfer, and terminate the Institution's employees in accordance with Institution policies;

19. recommend to the Board through the Chancellor candidates for faculty tenure and promotion;
20. within the authority delegated by the Board, execute contracts, memoranda of agreement, and other legal documents for the Institution that are financially and legally sufficient;
21. support the Chancellor in governmental relations activities with the legislature and other federal, state, and local entities;
22. recommend to the Chancellor proposals, policies, and other matters to be considered by the Board;
23. represent the Institution before the Texas Higher Education Coordinating Board as necessary;
24. provide leadership and oversight of effectiveness efforts, ensuring evaluation results are linked to planning;
25. promote diversity within the Institution and support equity and diversity programs; and
26. perform other duties as assigned by the Board or the Chancellor, or as would normally be assigned to the chief executive officer of such an Institution.

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